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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

WISCONSIN ALUMNI RESEARCH
FOUNDATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 3:14-cv-00062-WMC

**DECLARATION OF PETER BANNON IN SUPPORT OF
APPLE’S OPPOSITION TO WARF’S MOTION TO COMPEL PRODUCTION**

I, Peter Bannon, hereby declare as follows:

1. I am employed by Apple Inc. I have worked for Apple since 2008. My current title is Director of the Semiconductor Engineering Group (“SEG”), which was formerly known as the CGM CPU group. I have held this position since 2008. I have personal knowledge of the matters set forth below. If called as a witness, I could and would testify competently as follows.

[REDACTED]

2. My group maintains and uses so-called [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

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3. For the settings and features that are designed for use in the commercial configuration, Apple conducts extensive validation testing. This validation testing evaluates whether there are any unintended performance problems associated with the options and features. [REDACTED]

[REDACTED].

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

5. The [REDACTED] are maintained [REDACTED]

[REDACTED].

6. [REDACTED].

Any access to [REDACTED] by individuals not specifically authorized to access them would present a serious security risk to Apple. [REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED].

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

9. In my deposition in this matter, I testified that [REDACTED]

[REDACTED].

10. I further testified at my deposition that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

11. As mentioned above, [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

I [REDACTED]

I [REDACTED]

I [REDACTED]

I [REDACTED]

I [REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

I [REDACTED]

[REDACTED]

The steps outlined above would take approximately [REDACTED]

[REDACTED] to complete. Although I do not expect any technical difficulties, problems with

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[REDACTED] would increase the amount of time required to complete the task to [REDACTED]
[REDACTED] depending upon the nature of the issues encountered.

12. As noted above, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

13. [REDACTED]

[REDACTED]
[REDACTED]. Neither Professor Reinman nor any other
outside expert could set up on his or her own.

14. I understand that Professor Reinman and WARF are requesting [REDACTED]

[REDACTED] in order to conduct the
performance testing [REDACTED]. (See Reinman Decl. ¶ 33.) [REDACTED]
[REDACTED]
[REDACTED].

15. Additional security measures would need to be taken to secure the location and
any testing that was performed. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]. Given the security risks presented by [REDACTED]
[REDACTED], the security measures needed at the isolated facility would need to be determined

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and vetted by high-level Apple personnel. At a minimum, Professor Reinman’s use of [REDACTED]
[REDACTED] would need to be monitored.

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED], which would cause a degradation in
performance that is unrelated to [REDACTED] specifically. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and therefore may not work properly or may
cause performance problems in other parts of the device. As a result, there will always be some
ambiguity regarding the accuracy of the results of testing that involves [REDACTED]

[REDACTED]

[REDACTED].

[REDACTED]

17. Given the burden and security concerns associated with [REDACTED]

[REDACTED] as requested by WARF, I understand
that WARF alternatively requests that Apple [REDACTED]

[REDACTED].

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18. Specifically, I understand that Professor Reinman is requesting three samples of each of the iPhone 5s (or iPhone 6 if Apple prefers as those may be more plentiful at this point), iPad Air, and iPad Mini with Retina Display, wherein:

■ [REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

■ [REDACTED]
[REDACTED]
[REDACTED]

None of the devices requested presently exist at Apple.

19. As I explained in my deposition, each [REDACTED]
[REDACTED]
[REDACTED]. Professor Reinman’s request would require [REDACTED]
[REDACTED].

20. In order to create [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

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21. Based on my experience at Apple, [REDACTED]

[REDACTED] would take approximately [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] may create unintended and unknown performance and/or functional issues.

Any results of performance tests run with the devices [REDACTED]

[REDACTED] would therefore be ambiguous as well.

22. I understand that Professor Reinman and WARF contend that the process of

[REDACTED]

[REDACTED]. I disagree. As explained above, the process of [REDACTED]

[REDACTED] as suggested by Professor

Reinman. Moreover, while Professor Reinman claims that [REDACTED]

[REDACTED]

[REDACTED].

23. Further, [REDACTED]

[REDACTED]

[REDACTED]. In my deposition, I testified that [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

24. [REDACTED]

[REDACTED]

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Dated: March 4, 2015 at Cupertino, California.


Peter Bannon